

1 15A NCAC 13B .1604 is proposed for amendment as published in 25:04 NCR 469 as follows:

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3 **15A NCAC 13B .1604 GENERAL REQUIREMENTS FOR MSWLF FACILITIES**

4 (a) Applicability. Permits issued by the Division for new and existing MSWLF facilities shall be subject to the
5 general requirements set forth in this Rule.

6 (b) Terms of the Permit. The Solid Waste Management Permit shall incorporate requirements necessary to comply
7 with this Subchapter and the North Carolina Solid Waste Management Act including, but not limited to, the
8 provisions of this Paragraph.

9 (1) Division Approved Plan. Permits issued subsequent to the effective date of this Rule shall
10 incorporate a Division approved plan.

11 (A) The scope of the Division approved plan shall be limited to the information necessary to
12 comply with the requirements set forth in Rule .1617 of this Section.

13 (B) The Division approved plans shall be subject to and may be limited by the conditions of
14 the permit.

15 (C) The Division approved plans for a new facility or permit renewal of an existing facility
16 shall be described in the permit and shall include, but not be limited to, the following:

17 (i) Facility plan;

18 (ii) Engineering plan and Construction Quality Assurance Plan;

19 (iii) Operation plan;

20 (iv) Monitoring plan; and

21 (v) Closure and post-closure plan.

22 (D) The Division shall define the content of the Division approved plans for amendments or
23 modifications to the permit, and for the transition plan of an existing MSWLF unit.

24 (2) Permit provisions. All disposal facilities shall conform to the specific conditions set forth in the
25 permit and the following general provisions. Nothing in this Subparagraph shall be construed to
26 limit the conditions the Division may impose on a permit.

27 (A) Duty to Comply. The permittee shall comply with all conditions of this permit, unless
28 otherwise authorized by the Division. Any permit noncompliance, except as otherwise
29 authorized by the Division, constitutes a violation of the Act and is grounds for
30 enforcement action, or for permit revocation or modification.

31 (B) Duty to Mitigate. In the event of noncompliance with the permit, the permittee shall take
32 all reasonable steps to minimize releases to the environment, and shall carry out such
33 measures as are reasonable to prevent adverse impacts on human health or the
34 environment.

35 (C) Duty to Provide Information. The permittee shall furnish to the Division, any relevant
36 information which the Division may request to determine whether cause exists for
37 modifying or revoking this permit, or to determine compliance with this permit. The

1 permittee shall also furnish to the Division, upon request, copies of records required to be
2 kept by this permit.

3 (D) Recordation Procedures. The permittee shall comply with the requirements of Rule .0204
4 in order for a new permit to be effective.

5 (E) Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for a permittee
6 in an enforcement action that it would have been necessary to halt or reduce the permitted
7 activity in order to maintain compliance with the conditions of this permit.

8 (F) Permit Actions. This permit may be modified, revoked and reissued, or terminated for
9 cause in accordance with G.S. 130A-23. The filing of a request by the permittee for a
10 permit modification or termination, or a notification of planned changes or anticipated
11 noncompliance, does not stay any existing permit condition.

12 (G) No Property Rights. This permit does not convey any property rights of any sort, or any
13 exclusive privilege. This permit is not transferable.

14 (H) Construction. If construction does not commence within 18 months from the issuance
15 date of the permit to construct, or an amendment to the permit, then the permittee shall
16 obtain written approval from the Division prior to construction and comply with any
17 conditions of said approval.

18 (I) Proper Operation and Maintenance. The permittee shall at all times properly operate and
19 maintain all facilities and systems of treatment and control (and related appurtenances)
20 which are installed or used by the permittee to achieve compliance with the conditions of
21 this permit. Proper operation and maintenance includes effective performance, adequate
22 funding, adequate operator staffing and training, and adequate laboratory and process
23 controls, including appropriate quality assurance procedures. This provision requires the
24 operation of back-up or auxiliary facilities or similar systems only when necessary to
25 achieve compliance with the conditions of the permit.

26 (J) Inspection and Entry. The permittee shall allow the Division, or an authorized
27 representative, to:

28 (i) Enter the permittee's premises where a regulated facility or activity is located or
29 conducted, or where records are kept under the conditions of this permit;

30 (ii) Have access to a copy of any records required to be kept under the conditions of
31 this permit;

32 (iii) Inspect any facilities, equipment (including monitoring and control equipment),
33 practices or operations regulated by the Division;

34 (iv) Sample or monitor for the purposes of assuring permit compliance or as
35 otherwise authorized by the Act, any substances or parameters at any location;
36 and

- 1 (v) Make photographs for the purpose of documenting items of compliance or
2 noncompliance at waste management units, or where appropriate to protect
3 legitimate proprietary interests, require the permittee to make such photos for
4 the Division.
- 5 (K) Monitoring and Records.
- 6 (i) Samples and measurements taken for the purpose of monitoring shall be
7 representative of the monitored activity. The permittee shall split any required
8 samples with the Division upon request.
- 9 (ii) The permittee shall retain records of all monitoring information required by the
10 permit for the active life of the facility and for the post-closure care period. This
11 period may be extended by the Division at any time.
- 12 (iii) Records of monitoring information shall include:
- 13 (I) The date, exact place, and time of sampling or measurements;
- 14 (II) The individual(s) who performed the sampling or measurements;
- 15 (III) The date(s) analyses were performed;
- 16 (IV) The individual(s) who performed the analyses;
- 17 (V) The analytical techniques or methods used (including equipment used);
18 and
- 19 (VI) The results of such analyses.
- 20 (L) Reporting Requirements.
- 21 (i) The permittee shall give notice to the Division as soon as possible of any
22 planned physical alterations or additions to the permitted facility.
- 23 (ii) Monitoring results shall be reported at the intervals specified in the permit.
- 24 (iii) The permittee shall report orally within 24 hours from the time the permittee
25 becomes aware of the circumstances of any ~~release, discharge, release or~~
26 discharge outside the liner, collection system or other containment component,
27 any fire, or explosion from the permitted landfill facility. Such reports shall be
28 made to the Division representative at the appropriate regional office of the
29 Department of ~~Environment, Health, Environment~~ and Natural Resources.
- 30 (iv) Where the permittee becomes aware that it failed to submit all relevant facts and
31 corrected information in a permit application, or submitted incorrect information
32 in a permit application or in any report to the Division, it shall promptly submit
33 such facts or information.
- 34 (M) Survey for Compliance.
- 35 (i) Within 60 days of the permittee's receipt of the Division's written request, the
36 permittee shall cause to be conducted a survey of active or closed portions of
37 their facility in order to determine if operations (e.g., cut and fill boundaries,

1 grades) are being conducted in accordance with the approved design and
2 operational plans. The permittee shall report the results of such survey to the
3 Division within 90 days of receipt of the Division's request.

4 (ii) A survey may be requested by the Division:

5 (I) If there is reason to believe that operations are being conducted in a
6 manner that significantly deviates from the Division approved plans; or

7 (II) As a periodic verification (but no more than annual) that operations are
8 being conducted in accordance with the approved plans.

9 (iii) Any survey performed pursuant to this Part shall be performed by a registered
10 land surveyor duly authorized under North Carolina law to conduct such
11 activities.

12 ~~(N)~~ ~~Waste Exclusions. The following wastes shall not be disposed of in a MSWLF unit:~~

13 ~~(i) White goods;~~

14 ~~(ii) Used oil, lead acid batteries, whole tires; and~~

15 ~~(iii) Yard trash.~~

16 ~~(O)~~(N) Additional Solid Waste Management Facilities. Construction and operation of additional
17 solid waste management facilities at the landfill facility shall not impede operation of the
18 MSWLF unit and shall be approved by the Division.

19 ~~(P)~~(O) Existing Facilities. Permits issued by the Division prior to October 9, 1993 for the
20 construction of a lateral expansion or a new MSWLF unit are subject to the requirements
21 for permit renewal set forth in Subparagraph (a)(5) of Rule .1603.

22 (i) The owner or operator shall establish a schedule for permit renewal that
23 demonstrates compliance with Rule .1603 of this Section.

24 (ii) The owner or operator shall place the demonstration in the operating record and
25 submit a copy to the Division for approval.

26
27 *History Note: Authority G.S. 130A-294;*
28 *Eff. October 9, ~~1993~~, 1993;*
29 *Amended Eff. January 1, 2011.*